IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1608 OF 2007
IN
SUIT NO.588 OF 1990

Bank of Baroda ..Plaintiffs

Versus

M/s.Osaka Plastic Industries & ors..Defendants

Ms.Sauniya Shrikrishna i/by Kanga & Co. for plaintiffs.

Mr.H.H.Trivedi for defendant nos.1 & 2.

Coram : A.M.KHANWILKAR,J

Date : 5th September,2007

PC

1. Counsel for the plaintiffs in all fairness submits on instructions that the proof regarding service of writ of summons is not available either in the record or with the plaintiffs. If it is so, the explanation offerred by the defendants will have to be accepted. In the circumstances, Notice of Motion is made absolute in terms of prayer clause-(a). Order accordingly.

2. Counsel for defendant nos.1 & 2 in all fairness states that if this Court has shown indulgence for taking the written statement on record, the defendants have waived service of writ of summons.

That statement is accepted. Motion is disposed off on the above terms. Suit be placed on 17.9.2007 under the caption "For framing issues". Counsel for defendant nos.1 & 2 assures that written statement will be filed in the office by tomorrow.

(A.M.KHANWILKAR,J)